

DAVID DOUGLAS WINTERS
B.S., M.S., D.L.L., J.D.
PATENT ATTORNEY

RECEIVED
CENTRAL FAX CENTER

AUG 18 2006

FACSIMILE TRANSMITTAL SHEET

TO: EXAMINER T. COURSON	FROM: D. WINTERS
DATE: 17 AUG 2006	
FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER: 571-273-2239	SENDER'S REFERENCE NUMBER: 030716 RICHTER
REF: APP# 10/7TR, 039	YOUR REFERENCE NUMBER:

INFORMAL TIME SENSITIVE INFORMAL

Respectfully,

I have identified the misunderstanding that, once clarified, should render Richter patentable! The below clarification, will, we hope, satisfy all parties with respect to novelty and unobviousness of the feature that is the heart of the RICHTER technology. The confusion has merely been due to a misunderstood reference.

RICHTER does one thing that none of the other referenced arts can do. It calculates and displays the direction of the slope upon which it sits. Again I say, it displays the DIRECTION of the slope measured. And, of course, it also calculates and displays the amount of slope at its maximum, which is, by definition, along the slope direction line displayed by the device. (This is the compounded angle and the line named in the previous claims and specification.)

After our informal phone conference today, I reviewed the key refs. I note that we still have confusion with respect to the display of a line showing the slope. The main misunderstanding concerns HEGER.

The HEGER device, used as a reference of prior art in this issue, will display whatever transverse slope angle it experiences at any particular instant. The

direction and total degree of the slope upon which the truck-mounted device rests remains indeterminate. The angle displayed depends entirely on the orientation of the device at that particular instant, as the truck points up hill, down hill, or across the side of the hill. **HEGER cannot tell the direction or maximum angle of the slope upon which it sits.**

The Richter device, on the other hand, actually identifies and shows the direction of the slope and outputs a numerical display of the maximum slope, no matter how the Richter device is oriented. **It calculates the direction and degree of the slope.** Then it **displays a line that shows the direction of that slope** along with a numerical expression of the maximum degree of slope.

To offer an example, that shows the difference in action, if the HEGER device were mounted in a truck that was pointing directly up a very steep hill, aiming directly at the summit, the HEGER device would read an angle of zero, even though the truck were sitting on a extreme slope. The RICHTER device, in contrast, would display the angle of the hill and the direction of the slope to the summit, no matter what the orientation of the RICHTER device at any particular instant.

LANE In another example, if you lay the RICHTER device on a pool table, or a bowling alley, it will tell you precisely what direction a loose ball will roll (if the table or alley is not level) and precisely to what degree the surface departs from true level. It will do this no matter how the device is oriented. **None of the previously referenced arts will do this.** If we lay the RICHTER device on freshly landscaped ground, it will tell how close the ground is to being level (without needing to be "swung") and also will tell the direction that rain water will run off. Neither HEGER, alone nor combined with any other referenced art, can do this. LANE

HEGER, in short, teaches no equivalent technologies to that of RICHTER. It provides no technology that can be combined with any other technology that can anticipate RICHTER. Neither do the other references.

There is no suggestion of such a capability in any of the referenced art, nor any indication that anyone recognized a need for such ability. There is no suggestion of combinations for such a display because **there is no combination of prior art that can produce such a display.**

The above functions of the RICHTER device are soundly illustrated and expressed in the previous claims and specification. However, the claims and specifications have, thus far, clearly have not created the necessary clarity to communicate these valuable capabilities without confusion. It appears that the bare technical and mathematical language in which the claims have been couched, although accurate, tended to obscure the practical meaning. Therefore, I propose, informally here, for discussion, some different, and, perhaps more understandable, ways of expressing this novel capability as follows: